

**Notice of Allowability**

Application No.

10/661,000

Examiner

Minh H Chau

Applicant(s)

BROUHON ET AL.

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Application filed on September 10, 2003.
2. ☒ The allowed claim(s) is/are 1-53.
3. ☒ The drawings filed on 10 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 04/27/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.



MINH CHAU  
PRIMARY EXAMINER

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

**Claims 1-34 and 52** have been indicated for allowance because the prior art fails to teach the entire combination of a method of generating an image including the steps of superimposing the content feature and the pattern and the content elements are smaller than the pattern elements in at least one dimension.

**Claims 35-43** have been indicated for allowance because the prior art fails to teach the entire combination of a system for generating an image including the content feature and the pattern are made up of graphical elements and are superimposed on each other, and the elements of the content are smaller in at least one dimension than the elements of the pattern.

**Claims 44 and 51** have been indicated for allowance because the prior art fails to teach the entire combination of a system for applying a position identifying pattern to a product including a control means arranged to control the marking means to superimpose the content and the pattern on each other within at least an area of the product, the area having two dimensions, and within the area to make the content marks smaller than the pattern marks in at least one of the dimensions.

**Claim 45** has been indicated for allowance because the prior art fails to teach the entire combination of a product having a position identifying pattern and a content feature applied to it including the content and the pattern are superimposed on each other within at least an area of the product, the area having two dimensions, and within the area the content marks are smaller than the pattern marks in at least one of the dimensions.

**Claims 46-47 and 53** have been indicated for allowance because the prior art fails to teach the entire combination of a method of analyzing a position identifying pattern on a product including the steps of forming an image of an area of the pattern and the content, and processing the image to extract the pattern from the content on the basis of the relative sizes of the pattern elements and the content elements.

**Claims 48-49 and 50** have been indicated for allowance because the prior art fails to teach the entire combination of a system for identifying a position identifying pattern on a product including the content elements being smaller than the pattern elements in at least one dimension, a sensor arranged to form an image of an area of superimposed pattern and content, and a processor arranged to process the image to extract the pattern from the content on the basis of the relative sizes of the pattern elements and the content elements.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H Chau whose telephone number is (571) 272-2156. The examiner can normally be reached on M - TH 9:30AM - 8:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MHC  
January 21, 2005

MINH CHAU  
PRIMARY EXAMINER